

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERALD NORMAN COMFORT, III,

Plaintiff,

v.

Case No: 05-74443  
Honorable Sean Cox  
Magistrate R. Steven Whalen

CITY OF WARREN, a Municipal corporation,  
POLICE OFFICER KEVIN BORYCZ,  
POLICE OFFICER SCOTT ISAACSON,  
JOINTLY AND SEVERALLY,

Defendants.

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**ORDER OF DISMISSAL**

At a session of said Court held in the  
U.S. Courthouse, City of Detroit, State of Michigan,  
on: August 25, 2006

PRESENT: HON. Sean F. Cox  
DISTRICT COURT JUDGE

This matter having come before the court after plaintiff failed to appear for deposition as ordered, and the court being fully advised in the premises;

Plaintiff was required to present himself for deposition prior to August 7, 2006 at 12:00 noon pursuant to this Court's Order of August 1, 2006 (docket #13).

The August 1, 2006 stipulated order indicated that if plaintiff failed to comply, the case would be dismissed with prejudice.

Plaintiff failed to comply with the Order by failing to present himself for deposition; therefore,

**IT IS HEREBY ORDERED** that this case is dismissed with prejudice, but without costs.

This order resolves the last pending claim and closes the captioned case.

**IT IS SO ORDERED.**

s/ Sean F. Cox  
UNITED STATES DISTRICT JUDGE

Approved as to form:

By: s/ w/consent Thomas R. Present  
Thomas R. Present (P32831)  
Attorney for Plaintiff

By: s/ Jami E. Leach  
Jami E. Leach (P53524)  
Attorney for Defendants